

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BENITO JULIAN LUNA,

No. 2:04-cv-0627 MCE GGH P

Petitioner,

V.

ORDER

SCOTT KERNAN,

Respondent.

Petitioner is a state prisoner represented by counsel, proceeding with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 29, 2015, the Ninth Circuit Court of Appeals vacated the district court's judgment dismissing the petition as untimely, and remanded "for the district court to determine in the first instance, after conducting an evidentiary hearing if necessary, whether Luna diligently pursued his rights through the date of filing, June 3, 2011." The court stated that the district court's determination would control whether the petition should be deemed timely. (ECF No. 61.) On July 30, 2015, the mandate issued.

Accordingly, IT IS ORDERED that: within **twenty-one** days of this order, petitioner shall submit documentation in support of a request to expand the record, and/or request an evidentiary hearing.

Dated: August 6, 2015

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE